

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

LA. App. No. 440 of 2007(D)

LAR.89/1991 of ADDL. SUB COURT, KOLLAM
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APPELLANT/RESPONDENT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI. K.V. MANOJ.

RESPONDENTS/CLAIMANTS:

- 1. VELAYUDHAN SREEDHARAN,
CHIRAYUDE THEKKETHIL,
MUTHUPILAKKAD WEST.**
- 2. VELAYUDHAN RAGHAVAN (DIED), CHIRAYUDE
THEKKETHIL MUTHUPILAKKAD WEST.**

**ADDL. R3. KUTTIAMMA, CHIRAYUDE THEKKATHIL,
MUTHUPILAKKAD WEST, KOLLAM DISTRICT.**

ADDL. R4. SASIDHARAN C.R., -DO-

ADDL. R5. R. THULASEEDHARAN, -DO-

ADDL. R6. VASANTHA KUMARI.K., -DO-

ADDL. R7. PRASANNA KUMARI.K., -DO-

ADDL. R8. SHEELA KUMARI.K., -DO-

ADDL. R9. ANIL KUMAR. C.R., -DO-

**(ADDL. RESPONDENTS 3 TO 9 ARE IMPEADED VIDE ORDER
DATED 02.07.2007 IN I.A. NO. 2220/07)**

BY ADV. SRI. B. SURESH KUMAR

**THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY
HEARD ON 11/07/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

L.A.A. No. 440 OF 2007

Dated this the 11th day of July, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed against the judgment and decree in L.A.R. No. 89/1991 on the file of Additional Sub Court, Kollam. Acquisition is for the purpose of Kallada Irrigation Project. In view of the judgment in L.A.A. No. 641/1999, there is no scope for interference with the land value fixed in this case at the rate of Rs. 4,000/- per cent.

2. However, as rightly pointed out by the learned Government Pleader, there is a duplication with regard to the interest that is granted on severance compensation. In addition to the 9%, 12% and 15% interest, the claimants are also granted 6% interest for Rs. 20,000/- granted for severance compensation. The claimants are not entitled for the same.

Therefore, the judgment and decree are modified to the extent of excluding the interest at the rate of Rs. 6% granted to

the claimants/respondents for the severance compensation. The claimants will be entitled to all the statutory benefits including the interest on solatium, on the rest of the compensation amount.

This appeal is disposed of as above.

**KURIAN JOSEPH
JUDGE**

**T.R. RAMACHANDRAN NAIR
JUDGE**

smp